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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/829,593	04/21/2004	In Kwon Jeong	INK-002	6718
7590	03/11/2005		EXAMINER RACHUBA, MAURINA T	
Wilson & Ham PMB: 348 2530 Berryessa Road San Jose, CA 95132			ART UNIT 3723	PAPER NUMBER

DATE MAILED: 03/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/829,593	<b>Applicant(s)</b> JEONG, IN KWON	
	<b>Examiner</b> M Rachuba	<b>Art Unit</b> 3723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-113 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-113 are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Election/Restrictions*

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims, 7-9, 24-30, 53-67, 86-97, 103-107 drawn to a method, classified in class 451, subclass 41.
  - II. Claims 1-6, 10-23, 31-52, 68-85, and 98-102, drawn to a combination classified in class 451, subclass 011.
  - III. Claims 108-113, drawn to a subcombination, classified in class 451, subclass 402.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions II and III are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the combination does not require a cup ascending-and-descending mechanism operatively connected to said load-and-unload cup and said arm, said cup ascending-and-descending mechanism being configured to raise and lower said load-and-unload cup with respect to said arm. The subcombination has separate utility such as a load/unload cup in electro-chemical wafer plating device.

Art Unit: 3723

3. Inventions I and II are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the process as claimed can be practiced by another materially different apparatus or by hand, because the apparatus does not require apparatus does not require sequential operation of the object relay devices/load-unload cups.

4. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

5. Claims 68, 86, 98, and 103 are generic to a plurality of disclosed patentably distinct species comprising:

- species 1, figure 1;
- species 2, figure 6;
- species 3, figure 7;
- species 4, figure 8;
- species 5, figures 9 and 10;
- species 6, figure 11;
- species 7, figure 12;
- species 8, figure 13;
- species 9, figure 14;
- species 10, paragraph [00116];
- species 11, paragraph [00118];
- species 12, paragraph [00120];
- species 13, figure 15;
- species 14, paragraph [00129];
- species 15, paragraph [00131];
- species 16, paragraph [00132];
- species 17, figure 16;
- species 18, paragraph [00140];
- species 19, paragraph [00142];
- species 20, paragraph [00144];

Art Unit: 3723

species 21, paragraph [00146];  
species 22, figure 17;  
species 23, paragraph [00154];  
species 24, paragraph [00156];  
species 25, paragraph [00158];  
species 26, paragraph [00160];  
species 27, figures 18 and 19;  
species 28, figure 21a;  
species 29, figure 21b;  
species 30, figure 21c;  
species 31 figure 22;  
species 32, paragraph [00189];  
species 33, paragraph [00191];  
species 34, paragraph [00193];  
species 35, figures 23 and 24;  
species 36, figure 25a;  
species 37, figure 25b;  
species 38, figure 25c;  
species 39, figure 26;  
species 40, paragraph [00215] ;  
species 41, paragraph [00217];  
species 42, paragraph [00219];  
species 43, figure 26;  
species 44, figures 27 and 28;  
species 45, paragraph [00225];  
species 46, paragraph [00227];  
species 47, paragraph [00229];  
species 48, figures 29, 30a and 30b;  
species 49, paragraph [00238];  
species 50, paragraph [00240];  
species 51, paragraph [00242];  
species 52, figures 31 and 32;  
species 53, figure 33;  
species 54, figure 34a;  
species 55, figure 34b;  
species 56, figure 34c;  
species 57, paragraph [00272];  
species 58, paragraph [00274];  
species 59, figures 35, 36, 37a, 37b, 38a, 38b, 38c, 38d, 38e.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species, even though this requirement is traversed.

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

5. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to M Rachuba whose telephone number is (571) 272-4493. The examiner can normally be reached on Monday-Thursday from 8:30 AM to 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail, can be reached on (571) 272-4485. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M. Rachuba  
Primary Patent Examiner

